

Day Van Le
871 Lakechime Drive
Sunnyvale, Ca. 94089

ATTACHMENT F

Page 1 of 8

RECEIVED

AUG 01 2005

PLANNING DIVISION

July 25, 2005

To Whom It May Concern,

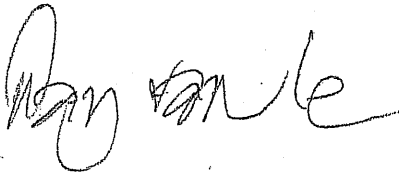
I received a public note on Sat. July 22-2005, File # 2005-0664, location : 885 Lakechime Drive,

APN: 110-24-027 and will be public hearings on Aug 10-2005, 02:00PM.

I am very sorry that I could not attention on that day.

With your proposed project: 264 square-foot accessory utility building I have no problem or question about it now or further.

Sincerely,



Day Van Le

ATTACHMENT F
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From: "Alfred Jiao"
To: <rkuchenig@ci.sunnyvale.ca.us>
Date: 8/3/2005 11:06:30 AM
Subject: Public Notice Response to File #2005-0664

Ryan Kuchenig and Administrative Hearing Advisers:

This letter is in response to the Public Notice #2005-0664, 885 Lakechime Drive and would like to point out a few of my concerns. My residence is at 897 Lakechime Drive and is adjacent to the property applying for a Variance, the two properties are separated by a 4'-0" fence (see attached picture for reference). My concerns are the following:

1. Future Remodel/Extension maybe limited:

- Please refer to the attached drawing showing the maximum possible addition of an extension to my residence. The drawing will show that I am limited to the amount of extension I could construct because the existing utility shed being so close to the side property line has a window. And upon researching about the Planning Regulation, there is a minimum distance of 10'-0" that must be maintained between the utility shed and the house or any other building especially if the utility shed has a window. And only 5'-0" is required if there is no window.

I had spoken to you yesterday and you mentioned that I will not be affected if I ever want to do a future extension but if you can educate me and point me to the part of the regulation that states that, I will appreciate it.

- "Residential feel" of the neighborhood maybe lost due to the overcrowding of existing and future structures. Maximum lot coverage may also be in question.

2. Privacy Issue:

- The existing window of the utility shed overlooks into my property. See attached picture and drawing.
- The design and placement of any future windows and doors maybe limited since there is already an existing window in place.
- In an event that the current owner sells the property, the future owner may convert the utility shed into a living space and rent it out. This would be another privacy issue in the future and would be an inconvenience for all the neighbors to monitor this. I do however support the design of the shed for being well designed and the design does not stray away from the residential look.

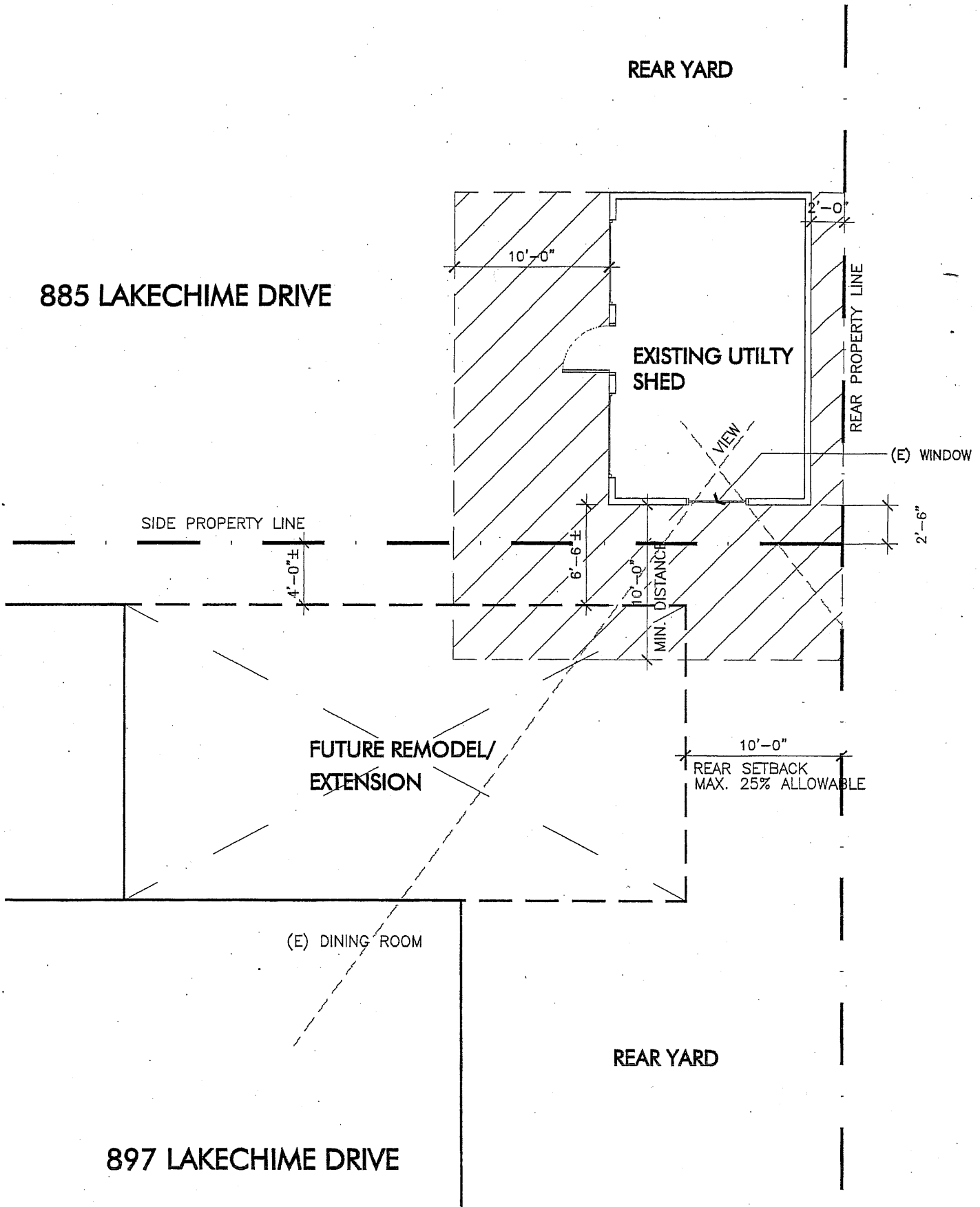
3. Fire Rating maybe be required:

- The existing utility shed having only 2'-6" sideyard setback and having a side window may require me to fire rate any future walls and windows for being too close to an adjacent structure.

Please consider my concerns in your staff report and recommendations and also forward this email to the Administrative Hearing Advisers. Should you have further questions, do not hesitate to give me a call at the number provided below.

Regards,

Alfred-Ray and Grace Jiao
897 Lakechime Drive
Sunnyvale, CA 94089





James J. Nestor, M.D.

Physician-in-Charge

Noël G. Wilson, R.N.

Assistant Medical Group Administrator

RECEIVED

OCT 18 2005

PLANNING DIVISION

To Whom it Concerns,

Mr. Richard Becker has been under my medical care for years. His worsening medical conditions made it very hard for him to be as physically active as he used to be. At this time, he has significant functional limitations due to repeated strokes and peripheral neuropathy of his lower extremities.

I think that having his own workshop in his place / close by would help his recovery and improve his quality of life.

For more details or info, please contact our office.

M. Alhariri MD

M. ALHARIRI, M.D. 45188
KAISER - MILPITAS
10/14/05

20701 HENWOOD ROAD
SAN JOSE, CALIFORNIA 95120-1207

TEL: (408) 997-3390
CELL: (408) 373-5555
FAX: (408) 927-5797

November 7, 2005

FEDERAL EXPRESS DELIVERY

City of Sunnyvale
Planning Commission
456 W. Olive Avenue
Sunnyvale, CA 94088

Attn: Ray Kuchenig

**Re: Appeal from Denial of Application for Variance regarding Application
2005-0664 concerning property located at 885 Lakechime Drive
Hearing date: November 14, 2005 @ 8:30 a.m.**

Dear Planners:

I write in support of the appeal of Mr. and Mrs. Becker, Applicants. The Beckers appealed timely and paid the appeal fee as required.

The application was denied by Gerri Caruso, Administrative Hearing Officer on August 12, 2005, due to inability to make appropriate findings.

I turn now to comment upon the Recommended Findings - Variance.

These findings, which are found in Attachment A of the Administrative Hearing Report should have been met based upon the evidence and testimony presented at the hearing.

FINDING 1: There was sufficient evidence to demonstrate exceptional or extraordinary circumstances applicable to the subject property.

The use is clearly common, appropriate and useful to property owners in the vicinity. The building's size and shape is compatible to the surroundings and in no way presents any threat or danger to the neighborhood.

In fact the strict application of the applicable ordinance does act to deprive Mr. Becker, the property owner/applicant of important privileges enjoyed by other properties in the vicinity and within the same zoning district.

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The applicants have resided as commendable citizens at the home site for over forty years. Based upon photographs of the home and structure at issue it is clear that the Beckers have spent much time and effort to keep the premises in a good and orderly condition and appearance to their credit and that of the neighborhood.

Ample evidence was presented to show that the use to be applied to the structure is one that is clearly necessary to the quality of life of Mr. Becker. He suffers from a most serious and disabling disease which causes significant functional limitations.

The use by Mr. Becker of the structure in issue is necessary to the enjoyment of his existence and well being in the relatively few remaining years of his retired life. The letter submitted by Dr. M. Alhariri, M.D., of Kaiser Permanente makes this clear.

The man has been a good and productive citizen of the City of Sunnyvale and, therefore, he should not be denied the privilege to enjoy a hobby that gives him great pleasure and aids in his well being. This is especially true, here, where granting of the variance has no deleterious affect upon any member of the public or the community at large.

FINDING 2: This finding has been found to be met, therefore, there is no need for me to comment further.

FINDING 3: It cannot be said that if a variance is granted that the intent and purpose of the ordinance will not be served.

It would appear that the intent and purpose of the applicable ordinance has been applied to keep some uniformity of use on property and to see that the structures are constructed of materials and design that adhere to specified construction codes so as to provide for the health, safety and welfare of the users of the property and the community.

There is no question but that the construction codes have been followed and that the structure is in no way an "eyesore". The problem lies with its setback violations which presents no serious problem since all parties directly concerned have waived whatever objection they might have.

The overall intent of the ordinance, we believe, is to make rules for the use of real property in a manner that will provide the highest and best use of property by its owners in a manner that will provide joy, pleasure and enhancement to their lives while occupying their property while not infringing on the rights of others.

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To grant this variance will in no way grant applicants any special privileges not enjoyed by other surrounding property owners within the same zoning district. There was ample evidence presented at the hearing and it is common knowledge that many neighbors have workshops, sheds, and tool storage structures throughout the neighborhoods.

This third finding has been met and should have been so indicated by the Hearing Officer.

I respectfully request that this Honorable Commission grant the Appeal and grant the variance requested.

My clients will comply with all conditions of approval.

Sincerely,


HENRY MARIANI

HM/ch
cc: clients